

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | JUDGE CHRISTOPHER A. BOYKO |
| |) | |
| Plaintiff, |) | CASE NO.1:05CR582-002 |
| |) | |
| -vs- |) | |
| |) | |
| JEREMY JOSIC, |) | ORDER |
| |) | |
| |) | |
| Defendants |) | |

The Court, having before it Defendant Jeremy Josic's Motion to Correct Sentence Pursuant to Rule 35(a) F.R.Cr.P. on the Basis of Clear Error (ECF Doc. No. 84), finds the Motion is well taken, and therefore, corrects the oral sentence of:

"The defendant is sentenced to the Bureau of Prisons for a term of 60 months on Count 1; 84 months on Counts 2 - 18 to run concurrent; 84 months on Count 15 to run consecutive to Count 1,"

to

Count 1 - Defendant sentenced to 60 months

Counts 2 - 18, Defendant sentenced to 97 months

Counts 1 - 18 shall all run concurrent to one another.

The Court finds that it did not give the Defendant advance notice of an upward departure from the Guideline Range of 78 to 97 months, pursuant to United States v Meeker (6th Cir, 2005), 411 F.3d 736.

Finding plain error in not giving Defendant advance notice of an upward departure, the Court need not address Defendants' remaining arguments.

Finally, the Court believes the corrected sentence within the Guideline Range is amply supported by the findings and comments made by the Court at the sentencing hearing.

IT IS SO ORDERED.

s/Christopher A. Boyko
Christopher A. Boyko
United States District Judge

DATE: December 6, 2006